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ABSTRACT

Farmworkers suffer from the same economic and social problems as other poor people but to a greater degree. Among classes of the disadvantaged designated for special Federal attention, only farmworkers are an occupational group. Their plight is unique because it is their working conditions which give rise to most of the other problems endemic to farmworkers. Their problems arise uniquely from the nature of their work, low wages, seasonal work, limited coverage under protective labor legislation, increased mechanization, lack of alternative job opportunities, few marketable skills, poor education, and critical health and housing needs. These give rise to such problems as child labor, short life expectancy, poor nutrition, job insecurity, incidence of disease, inadequate housing, and powerlessness. This paper presents research pertaining to the current plight of farmworkers. The research covers such topics as the importance of migratory/seasonal farmworkers; statements from the United States Catholic Conference; their insufficient income; government statistical information; the minimum wage law; housing, health, and education problems; pesticides; child and alien labor; legislative exclusions; and the United Farm Workers, AFL-CIO. A listing of Federal programs to help migrant/seasonal farmworkers is also given. (Author/NQ)

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RESEARCH INTO THE CURRENT PLIGHT
OF FARMWORKERS IN THE UNITED STATES

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
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SUMMARY INFORMATION

Farmworkers suffer from the same economic and social problems as other poor people but to a greater degree. Among classes of the disadvantaged designated for special Federal attention, only farmworkers are an occupational group. Their plight is unique because it is their working conditions (the seasonal and sometimes mobile nature of their jobs, the exclusion from the protections of job-related social legislation, the long hours and low pay, and the other egregious realities of agricultural hand labor) which give rise to most of the other problems endemic to farmworkers such as child labor, short life expectancy, poor nutrition, job insecurity, incidence of disease, inadequate housing, and powerlessness.¹

Hearings by this Committee have shown that, while the American economic system has worked reasonably well for most persons, it has abysmally failed the migrant farmworker. In fact, the migrant is practically excluded from the mainstream of our economic system. He is only a limited participant in manpower programs today, and his power to participate, in effect, or improve present manpower development and training programs is severely restricted.

Migrants have little income, their ability to earn is impaired, and their stream of earnings is sporadic and uncertain. They even lack or are denied the ability to control their income. Unemployment is high, the sub-employment and underemployment are pervasive. Their ability to increase their economic power is restricted. Information about jobs is limited and faulty; skills and educational and motivational levels are low. The demand for their services in agriculture is diminishing due to developing technology and mechanization. Benefits of government programs designed to raise income and make it more certain now and in the future are limited or denied.²

Problems of America's farm workers arise uniquely from the nature of their work, low wages, seasonal work, limited coverage under protective labor legislation, increased mechanization, lack of alternative job opportunities, few marketable skills, poor education and critical health and housing needs.³

"The population of migrant and other seasonal farmworkers in the U.S. faces a wide variety of problems including low wages and seasonal unemployment, limited coverage under labor legislation, lack of job opportunities, job displacement, undereducation and critical health and housing needs.⁴

The food industry is America's biggest business. The production end of that business, agriculture, depends upon a labor system which still bears the markings of its historical antecedent, slavery.⁵

Migrant and seasonal farm workers have long been among the most exploited groups in the American labor force.⁶

No large group of migrants has remained permanently migratory. This probably is the best evidence that people are not migrants by choice.⁷

From the standpoint of both working and living conditions, the most disadvantaged farmworkers are those who migrate from area to area, following the crops.⁸

The migratory workers and their families may be away from their home base for several months out of the year. Their itinerary may span thousands of miles, many different employers, and a variety of crops. Jobs are intermittent, and slack periods with little or no earnings are common. Migratory farmworkers travel out of economic necessity, not because of preference for nomadic life. Seasonal farm activities in the southern parts of Florida, Texas and California, which are the home-base areas for the largest groups of migrants, do not provide sufficient employment and earnings. Workers depending on seasonal farm jobs must move with the crops in the hope of lengthening their periods of work and increasing their annual incomes.⁹

1. Report on the Department of Labor Farmworker Task Force, September 1973.
2. House Report No. 93-659, Legislative History of the Comprehensive Employment and Training Act of 1973, U.S. Code Congressional and Administrative News.
3. "The Condition of Farm Workers and Small Farmers 1973," Report to the National Board by James M. Pierce, Executive Director, National Sharecroppers Fund/Rural Advancement Fund.
4. Department of HEW's Report on Migrants for the House Committee on Appropriations, in hearings before the Subcommittee of the Committee on Appropriations, March 1975.
5. Manuel D. Fierro, President and Executive Director, Raza Association of Spanish Surname Americans in Hearings before Subcommittee on Agricultural Labor of the Committee on Education and Labor, House of Representatives, September 26, 1974.
6. The Migrant Farmworker Situation in the U.S. The Problems and the Programs, Congressional Research Service, Library of Congress, April 17, 1975 citing Senate Report No. 93-1295 on the Farm Labor Contractor Registration Act Amendments of 1974, Committee on Labor and Public Welfare.
7. The Migrant Farmworker Situation in the U.S. The Problems and The Programs, Congressional Research Service, Library of Congress, April 17, 1975.
8. Ibid
9. Ibid, citing the 1971 Manpower Report of the President.

IMPORTANCE OF MIGRATORY/SEASONAL FARMWORKERS

Early this year, as the gas shortage began to worsen, it became clear that migrants could become an early casualty of the energy crisis. And, loss of wages for the migrant farmworkers was only the beginning of the problem. The lack of labor would have a severe impact on production of asparagus and broccoli and other crops that require large amounts of migrant labor. In turn, this would eventually affect the consumer in the form of higher food costs.

A special study revealed that the loss in overall national agricultural production could be in the neighborhood of \$500 million--a figure that did not include the money involved in processing, distributing, and marketing. Arizona, for example, might lose 27 percent of its fruit and vegetable crops, while New York, Illinois, and Ohio could each experience a 20 percent loss. Nationally, it was estimated that nearly 50 percent of the Nation's asparagus and broccoli crops could be lost along with lesser, but still substantial, amounts of lettuce, cantaloupe, watermelon, green beans, and apples.¹

Although the impact of mechanization and crop specialization has diminished the overall demand for farm workers generally, the periodic need for such seasonal labor remains acute.²

The migratory farmworker performs an indispensable role in meeting the seasonal work demands of planting, cultivating, harvesting and processing our Nation's agricultural products. Highly perishable crops, such as blueberries, asparagus, or strawberries, must be harvested, and harvested within a relatively limited amount of time. Delay spells serious economic consequences not only for

the farmer and his employees, but for the entire agricultural and rural economy and the Nation's food supply.³

1. "Manpower" A publication of the U.S. Department of Labor, October, 1974.
2. The Migrant Farmworker Situation in the U.S. The Problems and the Programs, Congressional Research Service, Library of Congress, April 17, 1975, citing Senate Report No. 93-1295 on the Farm Labor Contractor Registration Act Amendments of 1974, Committee on Labor and Public Welfare.
3. Ibid, citing the Migratory Farm Labor Problem in the U.S., 1969 Report of the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare.

STATEMENTS FROM THE
UNITED STATES CATHOLIC CONFERENCE

The struggle of American farm workers to organize into a union of their own choosing has been going on for more than a decade, and the end of the struggle is not yet in sight. Three years ago, with the signing of collective bargaining contracts across the board in the table grape industry, it appeared that the United Farm Workers Union had won its costly battle for survival and was finally in a position to extend its organizing efforts into other crops, not only in California, but throughout the entire agricultural industry. No sooner had those historic contracts been signed, however, than a rival union unexpectedly moved into the picture--or was invited in by anti-UFW growers--and the battle was on again in deadly earnest. The Teamsters secretly negotiated inferior collective bargaining contracts with a large number of lettuce growers--contracts which the California Supreme Court subsequently described as collusive.

Tragically, the UFW was compelled by this underhanded ploy on the part of the Teamsters and the growers to postpone its organizing campaign and once again, in desperation, take up the struggle for survival.

During the next two years, serious efforts were made to resolve the Teamster-Farm Worker controversy, but, in the end, to no avail. Two jurisdictional pacts, which had been hammered out in good faith under the auspices of the U.S. Bishops Committee on Farm Labor and the national AFL-CIO, eventually became unravelled and again the Farm Workers, willy nilly, were forced to engage in still another fight to the finish. At that point in time, in the last desperate effort to restore the peace, the Bishops Committee on Farm Labor met on three separate occasions with Teamster representatives and with representatives of the UFW, searching for a formula which might eventually enable the parties to reconcile their differences.

Unfortunately the Committee's mediation efforts were unsuccessful. Immediately after their third and final meeting with the Committee, the Teamsters announced that they had decided, in executive session, to declare open warfare on the Farm Workers and to invade their jurisdiction and gobble up their members. Shortly thereafter, the Teamsters—who had never claimed to represent field workers in the table grape industry and, to this day, cannot seriously claim to do so—secretly negotiated contracts with all but two of some 20-odd table grape growers whose three-year contracts with the UFW had just expired.

The Farm Workers were stunned and rightfully embittered by this disgraceful move on the part of the Teamsters and the growers, but, grimly determined to protect their jurisdiction, they immediately called a strike in the Coachella Valley in California and at the same time announced that they were starting another nation-wide table grape boycott.

The basic issue is that farm workers have a right to organize into a union of their own choosing and that no other union and no group of growers should be permitted to interfere with the untrammelled exercise of this right. We happen to be convinced, on the record, that the Teamsters and their overt and covert allies in the industry have been doing just that since the Delano grape dispute was finally settled at the bargaining table in the summer of 1970. We think they are wrong, and, with the best of good will, we urge them to cease and desist—in fairness to the farmworkers themselves, for the good name of the Teamsters and the growers, and last but not least, for the good of the agricultural industry as a whole.

The agricultural industry has been needlessly caught up in the most bitter and divisive kind of conflict for a dozen years or more. And for what purpose? Presumably to avoid dealing with the UFW—the only union which can validly claim to represent the workers who harvest the nation's crops. For the good of all concerned, the time has come for the leaders of the industry to recognize that that was a serious mistake on their part and, having settled with the UFW and having broken with the Teamsters, to begin making up for lost time by developing a mature system of labor-management relations based on mutual trust and confidence.¹

June 5, 1975, marked an important turning point in the history of farm labor relations in the United States. It was on that day the California Agricultural Labor Relations Act was signed into law by Governor Edmund G. Brown, Jr. This is the first law ever enacted in any jurisdiction, federal or state, guaranteeing farm workers the right to determine, by secret ballot elections, which union, if any, they want to represent them. It is a good law and one that might well serve as a model for parallel legislation in other key agricultural states as well as at the congressional level in Washington. While it will not automatically resolve all of the problems involved in the farm labor dispute, it does provide the parties with a set of enforceable procedures through which they can begin, at long last, to settle their differences in an orderly manner. In short, it represents an historic step in the right direction.

We salute the innovative leadership of Governor Brown who set into motion the process which resulted in the enactment of this long overdue statute by an overwhelming vote of the California legislature and with the almost unanimous support of the parties involved. We sincerely congratulate all who participated in this process: members of the legislature, the many and varied grower organizations, the United Farm Workers of America, the Western Conference of Teamsters, and the technical advisors and consultants who helped to draft the statute.

We all upon all concerned--state officials, growers and union representatives--to cooperate with one another in implementing the spirit as well as the letter of the law. It would be a tragedy if the purpose of the law, which holds out such promise for the future of sound labor relations in the agricultural industry, were to be thwarted in practice, for whatever reason. If experience demonstrates that either the statute itself or its administration needs to be improved, we pledge our support to this end. The National Conference of Catholic Bishops stands prepared to cooperate with the parties to the fullest possible extent in their common effort to bring about a new era of peace and justice in the agricultural industry, not only in California but throughout the nation.²

Farm workers in America--from Louisiana to Michigan, from California to New Jersey--have annually produced a bountiful harvest for Americans.

However, the exploitative wages, substandard living conditions and cruel social structures under which farm workers have labored have rarely reflected the historic dignity of working the land for the benefit of all.

Thus, the history of farm workers has been one of oppression and struggle. In the last five years, the fight for a measure of economic and social justice has culminated in the dramatic strike and boycott efforts of Cesar Chavez and the United Farm Workers of America to bring collective bargaining rights to the 250,000 workers in California and the thousands of farm laborers nationwide.

Now such basic necessities as adequate wages, medical care, pensions, controls on the use of pesticides, institution of seniority systems and hiring halls are becoming a reality.

The 1975 landmark California Agricultural Labor Relations Act--the first labor law in the nation to specifically provide for the collective bargaining rights of agricultural field workers--has given new spirit and direction to the farm worker in the West and to field workers across America.

U.S. Bishops strongly endorsed the historic California law through their November 17 "Farm Labor Resolution," stating that the statute "might well serve as a model for parallel legislation in other key agricultural states as well as at the congressional level in Washington."³

1. Farm Labor Problem, 1973 Labor Day Statement, by Rev. Msgr. George G. Higgins, Secretary for Research, United States Catholic Conference.
2. Resolution on Farm Labor, National Conference of Catholic Bishops, November 20, 1975.
3. "Speak to the Earth and It Shall Teach Thee," Secretariat for the Spanish Speaking, National Conference of Catholic Bishops/ United States Catholic Conference, Farm Worker Week, May 2-8, 1976.

INSUFFICIENT INCOME

Fewer than one-fourth of the farm workers were employed full time and these farm workers earned an average of \$4,358.00. Considering the average size of the farm worker's family, a farm worker's income is far below the poverty line. These poverty wages are paid by an industry which is the nation's third most hazardous and the Nation's largest employer hiring one out of every seven Americans.¹

Migrant farmworkers continue to receive the lowest wages among the working poor. "It is a national tragedy that those who work under hardship conditions to harvest the crops can not themselves afford adequate food, clothing and health care for their families."²

The East Coast Migrant Health Project is actively associated with health providers in 20 counties in 6 States along the east coast: Florida, South Carolina, North Carolina, Virginia, New Jersey, and New York, which serve an estimated 30,000 migrant population.

Working by the hour, or by piece, and being subject to work stoppages due to late planting, damaged crops, weather conditions, insecticide spraying, moving from harvest to harvest, reasons of health--illness due to colds, skin diseases, injuries, beatings, high blood pressure, epilepsy, lung complications including T.B., and acute dental caries, severely decrease earning power.

The farmworkers receive no fringe benefits: There are no paid vacations, paid holidays, paid sick time, unemployment compensation, health insurance, or the money to pay for an emergency, or social security. A young man with a wounded hand and without the \$15 the doctor demanded went to town and bought a needle and

thread and sewed the wound up himself. Social security, if the farmworker lives long enough, is often denied him because there is no proof that the taxes supposedly withheld ever reach the Federal deposit. Neither is there payment for moving to another State nor compensatory time granted for the move. This cost of moving results in further indebtedness. The absence of benefits is endless. The system then forces the farmworker and his family to seek, petition, and beg for his needs from agencies who operate on funds, some of which are rightfully his.³

Farmworkers are economically disadvantaged as a group, not only because farm wages are low compared to many other jobs but also because the total amount of money available to them and to members of their families falls below national standards. In 1973, the median family income of all farm wageworker households was \$7,055. In the same year, the median family income of all U.S. households was \$12,051, or almost double that of the farm wageworker household. Because of their low income, farm wageworkers often have little opportunity and few resources to improve their lifestyle or prepare for higher-paying job alternatives.

Farm wageworker households were classified into three mutually exclusive ethnic groups--white, Spanish-American, and black and other.

Median family income varied significantly by ethnic group. For example, the median family income for white households was \$8,309 or 69% of the Nation's median income. Spanish-American households had a median family income of \$5,292, or 44% of the national median, and black and other households received a median family income of \$3,472, only 29% of the national amount.⁴

Table 10 shows that in 1973, Spanish origin farmworkers averaged \$3,002 in total earnings from farm and nonfarm work. Anglo farmworkers earned an average \$2,321 and Blacks and other averaged \$2,057 a year. (Estimates of total cash wages received do not include the value of perquisites or fringe benefits received in connection with farm or nonfarm work.) Spanish origin farmworkers received 82% of their earnings from farm work, and almost four-fifths had no other earnings

source. Blacks and other farmworkers received about 71 percent of earnings from farmwork compared with only 53 percent for Anglo workers.

While earning levels for Spanish origin workers were generally higher than those of other ethnic groups, large household size, a high dependency ratio and reliance upon agriculture for the major household support, contributed to a low family income and smaller return per person than for other groups. Thus, Spanish origin farmworker households appeared to be more economically disadvantaged than Anglo households and at least as disadvantaged as Black and other farmworker households.⁵

1. "The Condition of Farm Workers and Small Farmers 1973," report to the National Board by James M. Pierce, Executive Director, National Sharecroppers Fund/Rural Advancement Fund, citing The Farm Index, May 1973, and Report of the Farmworkers Task Force issued by Department of Labor, September, 1973.
2. Prepared Statement by Honorable Edward R. Royball, U.S. Representative from California in "National Office for Migrant and Seasonal Farmworkers," hearings before Subcommittee on Agricultural Labor of the Committee on Education and Labor, September 26, 1974.
3. Sister Cecilia Abhold, S.F., Administrator, East Coast Migrant Health Project, in hearings before Subcommittee, Public Health Environment of the Committee on Interstate Foreign Commerce, House of Representatives, February, 1974.
4. Households Eligible for a National Farmworker Program Under the Comprehensive Employment and Training Act of 1973, Economic Research Service, USDA, Agricultural Economic Report No. 324, February 1976, p.2.
5. "Socioeconomic Characteristics of the Spanish Origin Hired Farm Working Force, 1973" by Leslie W. Smith, Economic Research Service, U.S. Department of Agriculture, August 22, 1975.

GOVERNMENT STATISTICAL INFORMATION

In 1974 the total number of farm wage workers was about 2.7 million persons. About 1.17 million persons or 43% did farm wage work for less than 25 days. About 619,000 or 23% did farm wage work for a duration between 25 to 74 days. About 308,000 or 11% did farm wage work for a duration between 75 and 149 days. About 274,000 or 10% did farm wage work for a duration between 150 and 249 days. About 367,000 or 13% did farm wage work for a duration of 250 days and over. About 1 million 138 thousand or about 42% of the 2.7 million farm wage workers in 1974 also did some non-farm wage work.¹

While migrant and seasonal workers and their families can be found throughout the country, they are concentrated in 10 States: Texas, California, Florida, Michigan, Arizona, Oregon, Ohio, Washington, New Mexico, New York. During the winter months migrant workers live in home-base areas in Texas, Florida, California, Arizona.²

In 1973, 6% (122,000)¹ of the total 2.1 million farm wage worker households of that year were eligible for national farmworker programs under Title III, section 303(a) of the Comprehensive Employment and Training Act (CETA) of 1973 (public law 92-203, 87 Stat. 839). These were households which contained at least one member who performed between 25 and 249 days of farm wage work during 1973; households which received at least 50% of their total family income from agricultural work; and households whose income was at or below the following limits:

<u>Family Size 1/</u>	<u>Family Income</u>
1	\$ 2,100
2	2,725
3	3,450
4	4,200
5	4,925
6	5,500
7	6,200

^{1/} For families larger than seven, \$650 was added for each additional member.

A majority of the eligible households were distributed among the lower earning levels, with 92%² (113,000) of the households receiving annual farm and non-farm earnings of less than \$5,000, and 85%³ (104,000) earning less than \$3,000 and 45%⁴ (55,000) earning less than \$1,000.

In 1973, there were 157,000⁵ farm wageworker households with at least one member who did migratory farmwork. Of these households, 8,000, or almost 4%,⁶ were eligible to receive various types of assistance from the CETA, Section 303 farmworker program. They contained approximately 14,000 dependents under 18 years of age and 14,000 farmworkers. The financial difficulties experienced by eligible household members were no doubt compounded by the problems and needs associated with migratory work. Increased travel costs, job insecurity and poor living conditions while in transit, contributed to their troubles.³

1. The chances are 95 out of 100 that the estimate would have shown a figure differing from a complete census by less than 40,000.
2. $\pm 10\%$ at .95 level of confidence
3. $\pm 12\%$ at .95 level of confidence
4. $\pm 17\%$ at .95 level of confidence
5. The chances are 95 out of 100 that the estimate would have shown a figure differing from a complete census by less than 42,000.
6. $\pm 4\%$ at .95 level of confidence

I. Workers who worked at farm and nonfarm wagework in 1974 and whose chief activity was reported as farm wagework:

1. Number: 136,000
2. Total cash wages or salary received for farmwork and nonfarm work: \$4001 per year or \$17.45 per day
3. Total cash wages or salary received for farmwork alone: \$2852 per year or \$17.15 per day
4. Total days worked: 229
5. Total days worked at farmwork: 166

II. Workers who worked at farm and nonfarm wagework in 1974 and whose duration of farm wagework was:

A. Between 25-74 days:

1. Number: 254,000
2. Total cash wages or salary received for farmwork and nonfarm work: \$2881 per year or \$17.85 per day
3. Total cash wages or salary received for farmwork alone: \$666 per year or \$15.15 per day
4. Total days worked: 161
5. Total days worked at farmwork: 44

B. Between 75-149 days:

1. Number: 126,000
2. Total cash wages or salary received for farmwork and nonfarm work: \$3632 per year or \$18.00 per day
3. Total cash wages or salary received for farmwork alone: \$1758 per year or \$16.45 per day
4. Total days worked: 202
5. Total days worked at farmwork: 107

C. Between 150-249 days:

1. Number: 85,000
2. Total cash wages or salary received for farmwork and nonfarm work: \$4739 per year or \$17.85 per day.
3. Total cash wages or salary received for farmwork alone: \$3027 per year or \$16.20 per day.
4. Total days worked: 265
5. Total days worked at farmwork: 187

D. 250 days and over:

1. Number: 30,000
2. Total cash wages or salary received for farmwork and nonfarm work: unavailable
3. Total cash wages or salary received for farmwork alone: unavailable
4. Total days worked: unavailable
5. Total days worked at farmwork: unavailable

III. Workers who did farm and nonfarm wagework in 1974 and who were migratory farmworkers:

1. Number: 107,000
2. Total cash wages or salary received for farmwork and nonfarm work: \$3688 per year or \$21.50 per day.
3. Total cash wages or salary received for farmwork alone: \$936 per year or \$18.70 per day.
4. Total days worked: 172
5. Total days worked at farmwork: 50

IV. Workers who did farm and nonfarm wagework in 1974 and who were nonmigratory farmworkers:

1. Number: 1,030,000
2. Total cash wages or salary received for farmwork and nonfarm work: \$3200 per year or \$18.75 per day.
3. Total cash wages or salary received for farmwork alone: \$751 per year or \$15.55 per day.
4. Total days worked: 171
5. Total days worked at farmwork: 48

V. Workers who did farm and nonfarm wagework in 1974 and who were migratory farmworkers and whose farm wagework was:

A. Less than 25 days:

1. Number: 68,000
2. Total cash wages or salary received for farmwork and nonfarm work: \$3087 per year or \$25.10 per day.
3. Total cash wages or salary received for farmwork alone: \$174 per year or \$17.90 per day.
4. Total days worked: 123
5. Total days worked at farmwork: 10

B. Between 25-74 days:

1. Number: 63,000
2. Total cash wages or salary received for farmwork and nonfarm work: \$1448 per year or \$15.90 per day.
3. Total cash wages or salary received for farmwork alone: \$847 per year or \$17.30 per day.
4. Total day worked: 91
5. Total days worked at farmwork: 49

V.

C. Between 75-149 days:

1. Number: 35,000
2. Total cash wages or salary received for farmwork and nonfarm work: unavailable
3. Total cash wages or salary received for farmwork alone: unavailable
4. Total days worked: unavailable
5. Total days worked at farmwork: unavailable

D. 150 days and over:

1. Number: 43,000
2. Total cash wages or salary received for farmwork and nonfarm work: unavailable
3. Total cash wages or salary received for farmwork alone: unavailable
4. Total days worked: unavailable
5. Total days worked at farmwork: unavailable

VI. Workers who did farm and nonfarm wagework in 1974 and who were nonmigratory farmworkers and whose farm wagework was:

A. Less than 25 days

1. Number: 1,161,000
2. Total cash wages or salary received for farmwork and nonfarm work: \$1620 per year or \$19.80 per day.
3. Total cash wages or salary for farmwork alone: \$121 per year or \$13.30 per day
4. Total days worked: 82
5. Total days worked at farmwork: 9

B. Between 25-74 days:

1. Number: 556,000
2. Total wages or salary received for farmwork and nonfarm work: \$1544 per year or \$16.55 per day.
3. Total wages or salary received for farmwork alone: \$601 per year or \$13.55 per day.
4. Total days worked: 93
5. Total days worked at farmwork: 44

VI.

C. Between 75-149 days:

1. Number: 273,000
2. Total wages or salary received for farmwork and nonfarm work: \$2455 per year or \$16.80 per day.
3. Total wages or salary received for farmwork alone: \$1700 per year or \$15.75 per day.
4. Total days worked: 146
5. Total days worked at farmwork: 108

D. Between 150-249 days:

1. Number: 242,000
2. Total wages or salary received for farmwork and nonfarm work: \$3825 per year or \$17.10 per day.
3. Total wages or salary received for farmwork alone: \$3338 per year or \$16.65 per day.
4. Total days worked: 223
5. Total days worked at farmwork: 201

E. 250 days and over:

1. Number: 357,000
2. Total wages or salary received for farmwork and nonfarm work: \$5311 per year or \$16.80 per day.
3. Total wages or salary received for farmwork alone: \$5238 per year or \$17.05 per day.
4. Total days worked: 316
5. Total days worked at farmwork: 407

VII. Workers who did farm and nonfarm wagework in 1974; who did 25 days or more of farm wagework; and who reported their chief activity as farm wagework:

1. Number: 693,000
2. Total wages or salary received from farmwork and nonfarm work: \$4362 per year or \$18.00 per day.
3. Total wages or salary received from farmwork alone: \$4167 per year or \$18.05 per day.
4. Total days worked: 242
5. Total days worked at farmwork: 231

VIII. Workers who did farm and nonfarm wagework in 1974; who did 25 days or more of farm wagework; who were migratory farmworkers; and who were household heads:

1. Number: 58,000
2. Total wages or salary received from farmwork and nonfarm work: \$4430 per year or \$22.75 per day.
3. Total wages or salary received from farmwork alone: \$3508 per year or \$23.45 per day.
4. Total days worked: 195
5. Total days worked at farmwork: 150

IX. Workers who did farm and nonfarm wagework in 1974; who did 25 days or more of farm wagework; who were migratory farmworkers; and who were other household members:

1. Number: 83,000
2. Total wages or salary received from farmwork and nonfarm work: \$2174 per year or \$18.60 per day.
3. Total wages or salary received from farmwork alone: \$1665 per year or \$19.65 per day.
4. Total days worked: 117
5. Total days worked at farmwork: 85

X. Workers who did farm and nonfarm wagework in 1974; who did 25 days or more of farm wagework; who were nonmigratory farmworkers; and who were household heads:

1. Number: 708,000
2. Total wages or salary received for farmwork and nonfarm work: \$4274 per year or \$18.55 per day.
3. Total wages or salary received for farmwork alone: \$3376 per year or \$17.85 per day.
4. Total days worked: 230
5. Total days worked at farmwork: 189

XI. Workers who did farm and nonfarm wagework in 1974; who did 25 days or more of farm wagework, who were nonmigratory farmworkers; and who were other household members:

1. Number: 719,000
2. Total wages or salary received for farmwork and nonfarm work: \$1837 per year or \$13.85 per day.
3. Total wages or salary received for farmwork alone: \$1506 per year or \$13.85 per day.
4. Total days worked: 132
5. Total days worked at farmwork: 109

1. The Hired Farm Working Force of 1974, Economic Research Service, U. S. Department of Agriculture.
2. "Promoting Community Health" DHEW Publication No (HSA) 75-5016, 1975.
3. "Households Eligible for A National Farmworker Program Under the Comprehensive Employment and Training Act of 1973," Economic Research Service, USDA, Agricultural Economic Report No. 324, Feb. 1976.
4. The Hired Farm Working Force of 1974, Economic Research Service, U.S. Department of Agriculture.

Distribution of farm wageworkers, by selected characteristics and average daily earnings at farm work,
1974

Selected Characteristics	Number of Workers	Average daily earnings from farm work										Median daily earnings 1/
		Less than \$5.00		\$5.00-7.99		\$8.00-10.99		\$11.00-13.99		\$14.00-16.99		Dol.
		Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	
ALL WORKERS, 1974	2,737	100	8	11	18	14	16	7	26	13.60		
DURATION OF FARM WAGEWORK												
Less than 25 days	1,169	100	10	16	22	13	16	4	19	11.50		
25-74	619	100	9	10	20	16	14	9	22	13.05		
75-149	308	100	6	7	16	14	14	12	31	15.50		
150-249	274	100	7	7	11	14	17	10	34	15.90		
250-299	152	100	2	4	5	20	18	8	43	17.45		
300 and over	215	100	8	4	12	12	18	9	37	16.30		

MINIMUM WAGE LAW

"The Fair Labor Standards Act (Federal Minimum Wage Law) requires a minimum wage for covered employment in agriculture of at least \$2.00 an hour effective January 1, 1976; \$2.20 an hour effective January 1, 1977; \$2.30 an hour effective January 1, 1978. This must be paid to every farm employee employed in covered work by an employer who used more than 500 man-days of farm labor in any calendar quarter of the preceding year except:

1. a member of the employer's immediate family;
2. a hand harvest laborer paid piece rates in an operation generally recognized as piecework in the region, if (a) he daily goes from his permanent home to the farm and back, and (b) he has been employed in agriculture less than 13 weeks during the preceding calendar year;
3. a migrant hand harvest laborer 16 years of age or under and employed on the same farm as his parents, if (a) he is paid piece rates in an operation generally recognized as piecework in the region, and (b) the piece rate is the same paid workers over 16 years of age on the same farm;
4. an employee principally engaged in range production of livestock."¹

Contributing toward this low annual income are the facts that many workers are not covered under the minimum wage law (which at \$1.60 is lower than the 1974 industrial minimum wage rate of \$2.00) and the seasonality and unpredictability of the work. For instance, equipment delays and breakdowns mean further loss of working time ("down time") and the subsequent loss of wages. Weather, crop and soil conditions, and other contingencies may mean that they may not work on a particular day, week, or even month. All these factors make the minimum wage for agricultural workers look even smaller.²

Only farmworker employers who utilized 500 man-days of agricultural labor in any quarter of the preceding calendar year and who were engaged in interstate commerce, are required to pay minimum wages to their employees. The 500 man-day requirement serves to exclude most farmworkers from the minimum wage provisions of the act. Beyond this, covered adult workers are excluded from the overtime provisions of the act, thus encouraging employers to extend the work week rather than hire more farmworkers.

Few States have laws providing farmworkers wage-payment and wage-collection protection to insure payment if the farmworker must leave before the payment is forthcoming. Further, wage and work agreements between farmworker and employer which are regulated by minimum wage or piece rate standards can be manipulated so that the worker receives considerably less than the amount he thought he bargained for, while the employer pays less than he agreed, or was required to pay. In addition, these practices are common, and together with poor enforcement of wage laws, can be surmised to have substantial impact on farmworker wages.³

538,000 farmworkers covered by minimum wage law.⁴

1. Wages and Hour Reporter, 1976, Commerce Clearing House, Inc., Para. 23,995.
2. "The Migrant Farmworker Situation in the U.S. The Problems and the Programs, Congressional Research Service, Library of Congress, Raymond Schmitt, Education and Public Welfare Division, April 17, 1975.
3. Ibid, citing Seminar on Farm Labor Problems, Hearings before the Subcommittee on Agricultural Labor of the Committee on Education and Labor, June 1971.
4. Black News Digest, May 20, 1974.

HOUSING PROBLEMS

The poverty of farmworkers goes beyond sub-standard wages to include the worst housing in the country which they share with other world residents. Rural America has only one-third of the nation's population but nearly 60% of the nation's sub-standard housing.¹

The Housing Assistance Council, a non-profit organization dealing with low-income housing problems, has documented the extent of the rural housing crisis: rural areas have two-thirds of the American homes that lack plumbing; in rural areas one home in five is standard; 90% of all farmworkers' homes lack a sink; 95% of all farmworkers lack a flushed toilet; the average migrant home consists of two rooms for an average family of 6.4 people; more than half of the rural housing units in the south are valued at less than \$5,000; nearly two-thirds of all black occupied rural housing is sub-standard and in rural Appalachia nearly one out of four families lived in sub-standard housing.²

As a result of an aggressive Florida State government crackdown on the filthiest of the migrant camps, the Division of Health has licensed only 88 camps with the capacity to house 24,201 people. In 1972 there were 270 licensed camps with a housing capacity of 37,972 -- conditions in some of these camps led to the typhoid outbreaks.³

Housing is by no means the only inequity visited upon Florida migrants. Working conditions in the fields remain primitive. A Florida State Senate Committee killed a bill to require adequate toilet facilities in the field which few growers provide voluntarily.⁴

Many hired farmworkers who live in non-metropolitan areas live in sub-standard or overcrowded housing.⁵

As Chairman of the Subcommittee on Agricultural Labor, I am writing to express my concern over the July 28th letter which I received regarding migrant housing programs. I am specifically concerned about the fact that the FY 1976 budget for Farmers Home Administration, section 515 rural rental housing loan program was recently deferred. Although you mention two other programs which could pertain to and/or address the needs of migrant housing problems, I feel that these programs are not geared to the special and unique needs of migrants. Consequently, there are virtually no housing programs administered either through FHA or HUD which address the housing needs of migrants.

Needless to say, farmworkers are among the most poorly housed people in this country. The housing is grossly inadequate. A recent study by FmHA submitted to the Senate Subcommittee on Agriculture of the Appropriations Committee disclosed a critical need of 13,000 units to house migrants, seasonal and other farmworkers in 400 counties. For migrant farmworkers alone, the study reveals that 55,000 units of new construction are required and another 57,000 units of existing farm labor housing need rehabilitation.

The federal government has only one housing program intended to serve farmworkers, section 514-516, the Farm Labor Housing Program. As you know, the program is for rental housing. While it serves a need, there are many farmworkers who want to own their own home at their home base. The farm labor housing program is not as good as temporary housing, since a high turnover of tenants and extended vacancies while crops in the area are not in season make the project unfeasible.

The housing need is shocking, but federal financial support for the farm labor housing program is even more dismal. Farmworkers have had to rely on the federal government for decent housing, as have many other Americans, both low and middle income. Yet, the federal commitment has been minimal. Since fiscal year 1967, a total of \$26,774 in loans under section 514 of the Housing

Act of 1949, as amended, and of \$21,681,660 in grants under section 516 has been obligated to farm labor housing or less than \$7 million yearly in combined loans and grants. That is a small amount compared to the housing needs of farmworkers in the nation. At that rate, and not counting further housing deterioration, it will take over 100 years to provide decent housing for farmworkers, according to FmHA cost estimates.

Apparently insensitive to the plight of farmworkers, the Administration proposed a 1975 budget with no funds requested for the farm labor housing program, explaining "the Administration believes the government's proper role can be best served by other programs."

There are no other farm labor housing programs. Just as distressing is a proposal of June 1973, by the Rural Housing Study Committee of the Farmers Home Administration. It suggested that migrant farmworkers who travel from place to place be provided with rent certificates to use for existing housing. It is cruel hoax to imply that migrant families will be able to find decent, safe and sanitary units for a stay of several weeks or that they will even be welcome in strange communities. Besides, when a migrant family enters an area for just several weeks of hard work, there is certainly no time for house hunting.

In light of this deplorable data, I can only hope that you will urgently reconsider the budget deferral of section 514 and 516 of the housing program. As this is the only program suitable for migrant housing needs, I think it is an outrage to overlook the existing shortage in migrant housing and, furthermore, to needlessly subject the farmworker to constantly living in sub-standard housing.

I, as a member of Congress and Chairman of the Subcommittee on Agricultural Labor, hope that you will reconsider the desperate need for migrant housing and reinstate the section 514 and 516 program at a full funding level."⁶

The housing need of farmworkers can be divided into two categories: the needs at the home base and the needs while in the stream. Home base is that place that migrants call home. Where there is little if any agricultural work in the northern states, migrants return home. Those whose home base is in a climate susceptible to winter crops usually continue their work in the fields, if they can find work. Those whose home base is in colder areas find nonfarm employment or join the ranks of the unemployed.

Many farmers find it difficult to provide housing for migrants for only several weeks out of the year. The farmworkers traveling with their families do not have the time or resources to look for housing in the open market.

Needless to say, farmworkers are among the most poorly housed people in the country. The housing many of them must use is a disgrace. A recent study by the Farmers Home Administration submitted to the Subcommittee on Agriculture of the Senate Committee on Appropriations disclosed a critical need of 130,000 units to house migrant/seasonal and other farmworkers in 400 counties. For migrant farmworkers alone, the study reveals that 55,000 units of existing farm labor housing needs rehabilitation.

The federal government has only one housing program intended to serve farmworkers, Sections 514 and 516--the farm labor housing program. The program is for rental housing and it serves a need, but there are many farmworkers who want to own their own home at their home base. The farm labor housing program is not ordinarily good as temporary housing, since a higher turnover of tenants and extended vacancies, while crops in the area are not in season makes the project unfeasible. Farmworkers have had to rely on the federal government for decent housing, as have many other Americans, both low and middle income. Yet, the federal commitment has been minimal.

Appropriations for the farm labor housing program should be expanded. As mentioned before, the rate of appropriations of recent years would not meet the needs for farmworker housing in one hundred years.

Several farmworker groups have formed self-help housing organizations to get their own homes. Self-help housing is the method by which families, working cooperatively, construct their own housing and save on construction costs. Unstable incomes and mobility again disqualify many families, since self-help housing programs, usually administered with Farmers Home Administration funds, requires ability to repay and the total process can easily take well over a year. Many families need to migrate to earn a living and cannot remain in an area year round.⁷

True, as I said way back in November, 1974, the farmworker has only two programs that I can obtain assistance in housing 514-516. However, this year the picture is even bleaker as our great president has rescinded the little money, nine million, Congress appropriated for these programs. We won't know if the money will be released until after March. Involved with the same rescision is money for funding non-profit corporation to do self-help, which means that this program will die as each corporation goes under.⁸

...housing and sanitary conditions are often unsatisfactory in the migrant workers' camps, and adequate health services and child care are generally lacking.⁹

1. Report of the Farmworkers Task Force issued by the Department of Labor, September, 1973, as referred to in the "Condition of Farmworkers and Small Farmers 1973," report to the National Board by James M. Pierce, Executive Director, National Share Croppers Fund/Rural Advancement Fund, 1974.
2. "The Condition of Farm Workers and Small Farmers 1973," report to the National Board by James M. Pierce, Executive Director, National Share Croppers Fund/Rural Advancement Fund.

3. Ibid
4. Ibid
5. Testimony of Clay L. Cochran, Executive Director, Rural Housing Alliance, Washington, D. C., quoting from "Domestic Farm Labor Housing, Special Report," a paper prepared by the staff of Farmer's Home Administration, February 26, 1973; in hearings before the Sub-Committee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs, U. S. Senate, November, 1974.
6. Letter written to Secretary of Agriculture Earl L. Butz by Representative William D. Ford as published in "Earthbound," September-October 1975, published by the Migrant Legal Action Program.
7. Testimony of Ernesto Arzola, Jr., Executive Director Tierra Del Sol Housing Corporation, in hearings before the SubCommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs, U.S. Senate, November, 1974.
8. Statement of Ernesto Arzola, Jr., Executive Director Tierra Del Sol Housing Corporation in letter to Mr. Bob Thedinger of the Social Action Department of the Diocese of Kansas City-St. Joseph dated February 27, 1976.
9. The Migrant Farmworker Situation in the U.S. The problems and the Programs, Congressional Research Service, Library of Congress, April 17, 1975, citing the 1971 Manpower Report of the President.

HEALTH PROBLEMS

Approximately one-sixth of the people in rural counties **suffered** debilitating health conditions. This is particularly true of farmworkers and the physical limitations on their activities further add to the economic problems of workers whose income stops when they are unable to work. Funds provided under the Migrant Health Act which attempts to provide health services to farmworkers reach only 3% of the Nation's farmworkers.¹

According to the U.S. Public Health Service, the average migrant lives only to the age 49, while the average American lives to be 72 years old. A Washington State Report shows that the average Mexican-American migrant dies by the age 38.²

The infant and maternity mortality rates for migrants are 125% greater than for average Americans.³

Infant mortality rate is 25% greater than the national average; mortality rates for TB and other infectious diseases are $2\frac{1}{2}$ times the national rate; and influenza and pneumonia is 20% higher.⁴

The disability rate for migratory or seasonal agricultural workers or members of their households is 3 times that of the general U.S. population. A small but random cluster sample shows that 44.5% of the Nation's migratory and seasonal agricultural worker households have one or more disabled members ($\pm 6.7\%$ @ $>.95$ level of confidence).

Disabled seasonal agricultural workers appear likely to be either suffering from a work accident, or from the multiple cumulative symptoms of a career of manual labor. The former is likely to involve farm machinery mishaps, falls from ladders, poisonings, and other such accidents.

But a disproportionate number of disabled farmworkers suffer from a combination of problems such as arthritis, vaguely defined back and leg pains, and high blood pressure. Disabled women often have the same problems. Others are troubled by hernias and other effects of their above-average number of pregnancies and untreated complications at births.

Other disabled, irrespective of age, are limited by the effects of untreated congenital and other chronic health problems. The effects of prolonged isolation from health and medical services are manifested in a variety of problems, including unmet needs for eyeglasses and dental work.

Handicapped farmworkers are usually not totally disabled. However, their productivity as manual workers is sufficiently impaired to substantially reduce earning capacity.⁵

I would next like to quote, as further substantiation of upstream needs, from the East Coast Migrant Health Project Mobile Team Report, "Health Care and the Migrant Farmworker, Perspectives, Problems, and Challenges" (1973): ...This report is a 220 page description of actual situations, statistics, and charts accompanied by evaluations and recommendations for change and improvement:

The unmet needs of farmworkers are staggering, yet the resources at the project's disposal are quite limited. Up and down the coastal stream great gaps in services exist and many localities could use the project's supplemental services. For example, quality health care for migrants cannot be found in any area, and even a minimum standard of services on a streamwide basis is still a remote goal.⁶

A grower from West Virginia, concerned about the Migrant Health Act, wrote: "Since there is no form of hospitalization insurance available to many of these people,

this has been the only form of payment for medical services these people could rely upon, and we feel they should have the right of the same feeling of security during illness that other people have. Therefore, we urgently request that you do whatever you can to see that this Act is extended, or to provide some form of medical insurance for these people."⁷

Local physicians and medical institutions are already overextended in trying to meet the needs of residents. This situation combined with, in some cases, discrimination and prejudice, virtually prevents Ohio migrants from obtaining care from some of the traditional sources. Further, lack of an adequate income prevents migrants from purchasing service from those individuals and institutions willing to care for them.⁸

Starr County, where I have practiced for 25 years, has a high proportion of migrants among its population. Approximately 60 percent of my heavy patient load are migrants or season agricultural workers.

Clearly, the social condition of the migrant agricultural worker is alarming and multifaceted.

Exposed to vagaries of weather and crop conditions, the migrant is often unable to earn enough from seasonal employment to support his family at a decent standard. As a result of all of these pressures, the migrant worker is caught in a cycle of poverty which makes it difficult to improve his occupational skills or economic status. Moreover, his health may be directly jeopardized, thereby increasing and perpetuating his desperate condition.⁹

In 1973, health care conditions for the migrant farmworker remain critical. According to the Department of Health, Education and Welfare, the migrant health program still reaches less than 10 percent of the eligible population, and this is due largely to the inadequacy of funding levels.

A large number of studies have documented the poor health of migrants as a group. Among the findings of these studies are the following:

Migrant births occur outside of hospitals at nine times the national rate--18.1 to 24 percent.

Infant mortality for migrants is 25% higher than the national average--30.1 to 24.4 per 1,000 live births.

Mortality rates for TB and other infectious diseases among migrants are $2\frac{1}{2}$ times the national rate; for influenza and pneumonia, it is 20% greater than the national rate.

Hospitalization for accidents is 50% higher than the national rate.

The average American has seven times the number of medical visits per year than the average migrant -- 4.3 against 0.61 visits.¹⁰

Despite recent progress and accomplishment, the unmet health care needs of migrants remain profound and critical. The migrant health program reaches barely 10% of the population eligible for services. The infant mortality rate for migrants is 25% higher than the national average. Mortality rates for tuberculosis and other infectious diseases among migrants are $2\frac{1}{2}$ times the national rate, and for influenza and pneumonia, the rate is 20% higher for migrants than it is for the general population. The rate of hospitalization for accidents is 50% higher for migrants than it is for the nation as a whole, while migrant births occur outside of hospitals at a rate nine times higher than the national rate.¹¹

Migrants are frequently excluded from coverage under Medicaid as the result of their failure to meet State Residency requirements and their inability to meet definitions of "categorically needy" or "medically needy." In most States, State Medicaid policy requires a Medicaid applicant to demonstrate an intent to reside in the State before he can be certified as eligible. Since migrants are generally unable to demonstrate an intent to reside because they are required to move from State to State with changes in the harvest season, they are

repeatedly ruled ineligible. In addition, some States, which serve as major home-base areas for migrants -- Florida, for example -- fail to recognize the legitimacy of the claim of large numbers of migrants that their home-base State is considered their residence. In such States, it is common practice to consider all migrants as non-residents and to automatically disqualify those potentially Medicaid-eligible migrants from entitlement.

Other problems in eligibility for assistance under Medicaid relate to migrants' failure to meet non-economic definitions of need. Medicaid eligibles must be blind, aged, disabled, or dependent children... Because few migrants are aged, blind, or disabled, most of those who could qualify would be eligible only under the Aid to Families with Dependent Children. Because most migrant families are male-headed, however, they are ineligible for Medicaid unless they reside in a State with an Unemployed Fathers program. Of the 23 States with migrant populations over 10,000, only nine provide Medicaid coverage to families headed by unemployed fathers. In none of these States, however, does it appear that more than half of the migrants are home-based. Approximately 470,000 migrants reside in or travel through the nine States with Unemployed Fathers programs. It is estimated that approximately 70,000 migrants would be eligible for Medicaid because they would be unemployed during the off-season and at the same time home-based.¹²

1. Report of the Farmworkers Task Force issued by the Department of Labor, September, 1973, as referred to in the "Condition of Farmworkers and Small Farmers 1973," report to the National Board by James M. Pierce, Executive Director, National Share Croppers Fund/Rural Advancement Fund, 1974.
2. Ibid
3. Ira E. Harrison, "Migrant Papers," Behavioral Science Working Report 72-3, Pennsylvania Department of Health, February, 1972.

4. "Promoting Community Health" DHEW Publication No. (HSA) 75-5016, 1975.
5. Handicap Migrant Farmworkers, DHEW Publication Number (OHD) 75-25 084, December 31, 1974.
6. Testimony of Sister Cecilia Abhold, S.P., Administrator East Coast Migrant Health Project, in hearings before Sub-Committee on Public Health and Environment of the Committee on Inter-State and Foreign Commerce, House of Representatives, February 1974, quoting from Health Care and the Migrant Farmworker: Perspectives, Problems and Challenges, Department of Sociology, College Misericordia, Dalles, Pa. 1973.
7. Testimony of Sister Cecilia Abhold, Ibid, quoting "E. W. Miller, President, Ronney, Orchard Inc., Box 427, Rodney, West Virginia, January 10, 1973.
8. Testimony of Sister Cecilia Abhold, Ibid, quoting David B. Sweet, Director, Ohio Department of Economics of Community Development, Columbus, Ohio, March 13, 1973
9. Dr. Mario E. Ramirez, Vice-Chairman of the Committee on Health Care of the Poor, American Medical Association, in hearings before Sub-Committee on Public Health and Environment of the Committee on Inter-State and Foreign Commerce, House of Representatives, February 1974.
10. U. S. Senator Harrison A. Williams, Jr., Chairman of the Senate Committee on Labor and Public Welfare, Congressional Record, February 1, 1973.
11. "The Migrant Farmworker Situation in the U.S., The Problems and the Programs," Congressional Research Service, Library of Congress by Raymond Schmitt, Education and Public Welfare Division, April 17, 1975, citing Senate Report No. 93-1137 of the Committee on Labor and Public Welfare on the Health Services Act of 1974.
12. Ibid.

PESTICIDES

Some 800 to 1,000 field workers are killed and 80,000 to 90,000 are injured by pesticides annually, according to the Food and Drug Administration.¹

The Department of Agriculture has also recently distributed several reports on pesticides. I have reviewed Agricultural Report No. 268 and Agricultural report No. 300 which deal with various aspects of pesticides in agriculture. Unfortunately, neither of these publications mention anything of the dangers that such substances may have on farmworkers. There appears to be a real scarcity of studies which direct themselves to this problem.

The agricultural laborer seems to be a forgotten element in the reports of the Department of Agriculture. I will be interested in knowing what steps the Department plans to take to remedy this situation.²

1. Report of the Department of Labor Farmworker Task Force, September 1973, as referred to in the "Condition of Farmworkers and Small Farmers 1973," report to the National Board by James M. Pierce, Executive Director, National Sharecroppers Fund/Rural Advancement Fund.
2. Letter addressed to Secretary of Agriculture Earl Butz by Representative William D. Ford, Chairman, Committee on Education and Labor, Subcommittee on Agricultural Labor, published in "Earthbound," November and December, 1975, by the Migrant Legal Action Program.

ALIEN LABOR

The problem of the alien commuters (Green Carders) was aired before the Subcommittee on Agricultural Labor on June 30, 1971, and April 24, 1972. A petition quoted in the Subcommittee Report charged that foreign workers are recruited to replace domestic workers and/or to depress domestic workers wages and working conditions.

Like all immigrants, the commuter must have applied for an immigrant visa in accordance with the provisions of the Immigration and Nationality Act. To maintain his resident alien status, however, he must engage in work that is "permanent and stable." He is deemed to have lost his status if he is out of work for six months. The "permanent and stable" requirement, however, is seldom tested so as to accommodate agricultural workers whose employment is seasonal and intermittent. It is precisely this group of unskilled workers that causes so much concern for the two states where 81% of the Green Carders are registered: California and Texas.

Illegal aliens pose a serious problem for the U.S. in that they take jobs which would normally be filled by U.S. citizens, contribute to the dollar drain by sending part of their earnings home, pay no taxes, and some even manage to get on welfare. Since most illegal aliens are unskilled laborers, it is almost inevitable that significant numbers find employment as farmworkers, especially along the border between the U. S. and Mexico.¹

Domestic Labor Patterns. Domestic underemployment or unemployment in the region is exacerbated by availability of a large illegal labor force which is regularly employed in agriculture, marginal industrial, and service occupations.

Labor Law Violation. Unskilled illegal aliens work for less than legally prescribed federal, state, or local minimum wages. This willingness to work for lower wages has tended to depress compensation for domestic laborers in general, abetted unemployment, and undermines legal intent.²

The commuter and illegal alien issue may partially explain the disproportionate number of Spanish origin workers who do migratory work, particularly in the South and West. Apparently, many Spanish origin workers enter the migratory streams because they cannot economically compete for jobs with Mexican national commuters and illegal aliens--groups which often seek initial employment in agriculture. Regardless of ethnicity, it would appear that the decision to do migratory farmwork is generally based on necessity and lack of viable alternatives, rather than by choice.³

1. Statement of Joseph Solkoff of the Migrant Legal Action Program quoting from "Problems facing Farmworkers" A report dated September, 1973, prepared within the Department of Labor, in hearings before the Select Committee on Nutrition and Human Needs, U.S. Senate, June, 1974.
2. International Migration Review, Winter 1975 by the Center for Migration Study New York Inc.
3. "Socioeconomic Characteristics of the Spanish Origin Hired Farm Working Force, 1973" by Leslie W. Smith, Economic Research Service, U.S. Department of Agriculture, August 22, 1975.

CHILD LABOR

Child labor limitations are also covered in the Fair Labor Standards Act, mentioned above. Many states, in addition, have their own statutes governing employment of children, usually administered by the state employment service. Some are more stringent than the federal standards; many are not as protective.¹

The children in migrant families contribute their labor to supplement the meager incomes and as a result, their schooling suffers. Without adequate schooling migrant children grow up to become unskilled adults and end up in the migrant stream to earn a living. It is a perpetual vicious cycle.²

The Child Labor Provisions prohibit the employment of minors under 16 years of age in agriculture during school hours and in occupations declared to be hazardous. Minors under 14 years of age may not be employed in agriculture at any time except for: 1) Minors under 12 who work on farms owned and operated by their parents or with parental consent on farms not covered by the minimum wage; and 2) Minors 12 and 13 who work on any farm with written parental consent or on farm where parents are employed. Employers are required to obtain proof of age from employees. A fine not to exceed \$1000 may be imposed for each violation of the child labor provisions of the Act.³

1. Letter dated March 5, 1976, to Mr. Bob Thedinger from Brian Craddock, Director of Dissemination, National Farmworker Information Clearing House, 715 E. 1st Street, Austin, Texas, 78701.
2. Testimony of Ernesto Arzola, Jr., Executive Director Tierra Del Sol Housing Corporation, in hearings before the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs, U.S. Senate, November 1974.
3. Wage and Hour Reporter, 1976, Commerce Clearing House, Inc., Para.23,995

EDUCATION PROBLEMS

By extending the authorization for the migratory program, the Committee wishes to reemphasize the need for a national program for the education of migrant children. These children have often been called the most educationally deprived children in America. As the National Advisory Council on the Education of Disadvantaged Children has stated:

The migrant child is constantly moving; he has no continuity in his education, or his life in general; he is in the largest group of non-English speaking children in the Title I program. He is out of the mainstream of any stable society and has few bases for security. His parents are in the fields all day, and in the formative years and after, he is either there, working with them, or at home babysitting with younger children.

In a February 1973 Report to the Congress on migrant education the General Accounting Office stated that its analysis "showed that (1) in reading, mathematics, and language skills (migrant children) were not achieving at the grade levels in which they were enrolled and that in these skills they were below those of other students in their classes and (2) educational deficiencies usually became greater as the students moved into higher grades."

The situation is especially bleak for children of Spanish speaking parents. It is estimated that approximately 65% of migrant children are from Spanish-speaking families. And since bilingual education is not widespread, these children are doubly handicapped in trying to achieve an adequate education.¹

Children still drop out in large numbers about the age of 12 when they are old enough to work in the field and become valuable to the family income.²

Farmworkers in general have been found to have lower educational levels than most other major occupational groups in the Nation. Farmworkers in 1973 had little more than a grade school education with the median of 8.4 years, and thus were considerably disadvantaged when compared with all workers 25 years and over having a median education of 12.4 years.

Table 4 shows that average educational attainment was even lower for various segments of the hired farm labor force, and particularly for those of Spanish origin. These workers 25 years of age and over attained 4.5 median years of education--only a fraction above the four-year cut off for functional illiteracy. In comparison, Blacks and others were only slightly higher with 5.8 median years and Anglo workers attained a median of 9.7 years. Thus, even among a generally lower educated group of workers, a 4 to 5 year gap exists between the minorities and Anglos. Spanish origin farmworkers attained less than half of the average educational levels of Anglo workers; Blacks and others achieved less than two thirds of Anglo education. The largest difference (7.5 years) occurred between Anglo and Spanish origin workers aged 25-44 years--the prime age working force.

When only younger Spanish origin workers from 14-25 years were considered, the data indicate a substantial gain over older worker groups, and show a narrowing of the gap in educational achievement between ethnic groups. Young Spanish origin workers averaged 7 years of education compared with 8.9 years for Anglos and 8 years for Blacks and other workers.

In 1973, only 11% of Spanish origin farmworkers had at least some high school education. This compares with 55% of the Anglo workers and 25% of Blacks and others. Only 2% of Spanish origin farmworkers had finished high school compared with over one third of the Anglos and 13% of Blacks and other.³

1. Legislative History of P.L. 93-380, U.S. Code Congressional and Administrative News.
2. "Food and Nutrition," February 1974.
3. "Socioeconomic Characteristics of the Spanish Origin Hired Farm Working Force, 1973" by Leslie W. Smith, Economic Research Service, U.S. Department of Agriculture, August 22, 1975.

LEGISLATIVE EXCLUSIONS

National Labor Relations Act of 1935 (copies available through the Labor-Management Services Administration, U.S. Department of Labor) which extends collective bargaining rights to most American employees, has never applied to agricultural labor (see section 2(3)). The only jurisdiction that I am aware of that gives farmworkers the right to organize, the right to union elections, and the right to bargain collectively is the State of California, whose legislature last year passed the Agricultural Labor Relations Act of 1975 (available through the Legislative Bill Room, Sacramento, California).¹

Most agricultural employers in the country are still not required to pay contributions to an unemployment insurance fund for their employees. Some states do, however, have such plans. Nationally, farm workers can now qualify in many instances for "Special Unemployment Assistance," administered by the states but funded by the federal government. This is only a temporary program.²

Farmworkers are specifically exempted from most legislative protections afforded other workers. The few protections which are available are attenuated to an alarming degree by a failure to enforce the laws. Most Federal agencies with responsibility or authority for operations in rural areas are not responding to farmworker problems with the commensurate allocation of their resources.³

Old age, survivors, and disability insurance is one of the few major areas of conventional Federal employee benefit programs from which agricultural migrants may receive benefits. But even in this area, inadequate coverage prevails, thereby increasing the likelihood that the migrant, upon becoming too old to continue performing farmwork, will become a public charge. Since 1956, farm employment has been covered for social security purposes if the worker received cash wages amounting to at least \$150 from one employer during the year.

Alternately, a farmworker gains coverage if he works for one employer 20 days or more during the year for cash remuneration computed on a time basis (by the hour, day, or week) rather than on a piece rate basis.

The migratory farmworker, due to his low rate of compensation and short periods of employment, often does not meet even these meager qualifying requirements. And since a great number of migrant workers are paid on a piece-rate basis, the 20 day provision has had limited practical effect, and the \$150-cash minimum is most often controlling. Lack of coverage would mean the exclusion from retirement, survivors, disability, and medicare protection.⁴

Added to what might be described as natural factors hindering farm worker unionization has been legal exclusion of agricultural labor from coverage under the protections and procedures of the National Labor Relations Act (NLRA) and almost all State labor relations acts. The NLRA guarantees to employees the right to organize, to form or join unions, to bargain collectively through representatives of their own choosing, to strike and picket, or to engage in certain other activities for the purpose of securing better working conditions. Because farmworkers are excluded from coverage under the NLRA, farm employers are not required to recognize their unions or to bargain with them; nor are employers prevented from firing workers for union activity or from obstructing workers in forming unions. Likewise, agricultural unions are not forbidden to engage in secondary boycotts or other activities that would be illegal under the NLRA.⁵

Workmen's Compensation Laws are state laws which assure that benefits are paid promptly to workers injured on the job. The employers are also protected from costly damage suits.

Even though agriculture is the third most hazardous industry, the employees of this industry are largely excluded from workmen's compensation coverage. Only twenty-one states and Puerto Rico include some coverage of

agricultural workers under Workmen's Compensation Statutes. Of these just fourteen states treat agricultural workers in much the same manner as other workers (Alaska, California, Connecticut, Hawaii, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Oregon, Vermont, Wisconsin and Puerto Rico). In twenty-three states the employer may choose voluntary coverage. Coverage is prohibited in two states and three states do not discuss the subject.⁶

In contrast to almost complete compulsory coverage of industrial workers under State workmen's compensation laws, farm occupations constitute the largest population group that has been largely excluded from its coverage. Critics believe that this exclusion denies the farmworker the assurance of basic protection that he deserves such as an income to maintain himself and his dependents during a period of disability, paid medical services, rehabilitation training and services, extra benefits for minors injured while illegally employed in some cases and, in the case of death, benefits to the worker's family, including burial expenses.

The initial basis for exclusion from coverage -- that farm occupations were largely nonmechanized and less hazardous than factory work -- is no longer applicable. As stated earlier, agriculture is the third most hazardous industry in the United States; its fatality rate is exceeded only by mining and construction.

Today, with the increased mechanization of agriculture and the increased use of chemical herbicides and pesticides, the probability of an occupational accident which results in death or serious disability is considerably greater on the farm than in most industries.

For the farmworker, the absence of workmen's compensation coverage is therefore particularly serious. In addition to the dangerous exposure to herbicides and pesticides, farmworkers are exposed to the dangers of farm machinery, difficult work for long hours in the hot sun under trying conditions and exposure to contagious animal diseases. The farmworker, however, rarely has security

any of these hazards. His income is often too low to permit him to buy medical, disability, or life insurance; and his exclusion from workmen's compensation means that his work-related accidents and illnesses will not be compensated. Since many farmworkers, as a practical matter, also do not receive the medical and disability benefits available under the Social Security Act, they and their families are virtually helpless in the face of job-related disabling accidents or illnesses or death.⁷

It has been argued that an unemployed farmworker needs insurance protection against the risk of involuntary unemployment at least as much as his counterpart in other industries. Yet, since the creation of the unemployment insurance program, most farmworkers have lacked this form of insurance.⁸

Under the Special Unemployment Assistance Act of 1974, a farm wage-worker is eligible for unemployment payments if during the 52 weeks immediately preceding the claim, 1) he was employed in at least 2 calendar quarters; 2) he earned at least \$300 in the high calendar quarter; 3) his total wages during such period was equal to or greater than 30 times his weekly benefit amount.⁹

1. Letter dated March 5, 1976, to Mr. Bob Thedinger from Brian Cradock, Director of Dissemination, National Farmworker Information Clearing House, 715 E. 1st Street, Austin, Texas, 78701.
2. Ibid
3. Report on the Department of Labor Farmworker Task Force, September, 1973.
4. "The Migrant Farmworker Situation in the U.S. The Problems and the Programs, Congressional Research Service, Library of Congress, Raymond Schmitt, Education and Public Welfare Division, April 17, 1975, citing Social Security Act, Section 209(h), and the 1969 Report of the Senate Subcommittee on Migratory Labor, p.93.
5. Ibid citing Development in Farm Labor Unionization, Rural Manpower Developments, U.S. Department of Labor, September-October 1971, p.22.

6. Report on the Department of Labor Farmworker Task Force, September, 1973.
7. Source referred to in above #4 citing 1969 Report of the Senate Subcommittee on Migratory Labor and the Seminar on Farm Labor Problems, Hearings before the Subcommittee on Agricultural Labor of the Committee on Education and Labor, June, 1971.
8. Source referred to in above #4 citing The Farmworker and Unemployment Insurance, Rural Manpower Developments, U.S. Department of Labor, September-October 1971.
9. Conversation with Mr. Howard Bronson, Missouri Division of Employment Security.

UNITED FARM WORKERS, AFL-CIO

The miserable conditions of Florida's farmworkers are due in part to lack of organization for only the Coca-Cola owned orange grove (Minute-Made) have recognized unionization of their workers and improve conditions, following nationwide publicity which could have meant severe economic losses.

In California, in the five years following the first grape boycott, wages and fringe benefits nearly doubled and important gains in field conditions were won by the United Farm Workers. The United Farm Workers is attempting to substitute a Union hiring hall for the traditional oppressive contractor system and to introduce the seniority system while at the same time facing a competitive organizing drive by the International Brotherhood of Teamsters which some growers favor.¹

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1. Report of the Department of Labor Farmworker Task Force, September 1973, as referred to in the "Condition of Farmworkers and Small Farmers 1973," report to the National Board by James M. Pierce, Executive Director, National Sharecroppers Fund/Rural Advancement Fund.

Below is a summary of Federal Programs to help Migrant/ Seasonal Farmworkers. For more detailed information, see "IMPACT OF FEDERAL PROGRAMS TO IMPROVE LIVING CONDITIONS OF MIGRANT AND OTHER SEASONAL FARMWORKERS,"¹ and "THE MIGRANT FARMWORKER SITUATION IN THE U.S. THE PROBLEMS AND THE PROGRAMS."²

SUMMARY OF GOVERNMENT ACTIVITY

- 1) Migrant Health Centers
- 2) Manpower Programs
- 3) Housing Programs
- 4) Head Start Programs
- 5) Grants to State Educational Agencies to establish /improve Education Programs for children of migratory agricultural workers.
- 6) Scholarship Grants to Medical Students to promote more adequate provisions of medical care for migratory agricultural workers.
- 7) Vistas have been assigned to projects benefitting farmworkers.
- 8) Unemployment insurance under the Special Unemployment Assistance Act of 1974.
- 9) Grants to State agencies to provide vocational rehabilitation services to handicapped farmworkers.
- 10) Safety and Health Standards to protect farmworkers.
- 11) Regulations governing the transportation of migratory farmworkers.
- 12) The Farm Labor Contractor Registration Act which regulates farm labor contractors, also called crew leaders.
- 13) The Fair Labor Standards Act which guarantees a minimum wage to some agricultural workers and which regulates the employment of children in agriculture.
- 14) Regulations setting standards for temporary labor camps and for housing for agricultural workers.
- 15) Participation in National School Lunch Program

¹ Comptroller General's Report to the Congress, Feb. 6, 1973.

² Congressional Research Service, Library of Congress, Apr. 17, 1975.